

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 04-40002-NMG
JOSEPH DIFLUMERA,)	
Defendant,)	
_____)	

FINAL STATUS REPORT
May 9, 2005

SWARTWOOD, C.M.J.

The following is a Final Status Report to Gorton, J. to whom this case is assigned:

1. Trial

Counsel for the parties have requested that this case be returned to Judge Gorton for trial. I have granted that request.

2. Length of Trial

Approximately two weeks (10 days).

3. Discovery

Completed.

4. Substantive Motions

None anticipated.

5. Defenses

Mr. DiFlumera does not intend to offer an alibi, insanity or public authority defense.

6. Interpreter

None needed.

7. Special Concerns

Mr. DiFlumera's counsel has requested that for trial scheduling purposes that I inform Judge Gorton that Mr. DiFlumera lives in Florida and is in poor health.

8. Excludable Time

With the assent of counsel for the parties, I am excluding from the Speedy Trial Act, the entire period from date of arraignment through May 11, 2005. Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Wednesday, July 20, 2005.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE